

Approved February 9, 2005



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
JANUARY 26, 2005**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

STAFF: Deborah Robberson
Tim Curtis
Kurt Jones
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

January 12, 2005

**VICE CHAIRMAN STEINBERG MADE A MOTION TO APPROVE THE
JANUARY 12, 2005 MINUTES AS PRESENTED. COMMISSIONER STEINKE.**

APPROVED

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONTINUANCES

9-AB-2004 (Abandonment at Cave Creek and 110th Street) request by owners to abandon the right-of-way along Cave Creek Road near 110th Street.

Continued to a date to be determined.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 9-AB-2004 TO A DATE TO BE DETERMINED. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

30-UP-2004 (Hacienda D Mexico Office/Warehouse) request by owner for a conditional use permit for furniture manufacturing and refinishing on a 1 +/- acre parcel located at 16098 N. 80th Street with Industrial Park (I-1) zoning.

(PULLED TO REGULAR AGENDA)

34-UP-2004 (DC Ranch Park Community Center) request by owner for a conditional use permit for community buildings and recreational facilities not publicly owned (a community center)) on a 3.5 +/- acre parcel located on the south side of Union Hills Drive between Reata Wash and Thompson Peak Parkway and Single Family Residential District, Planned Community District (R1-7 PCD) zoning.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 34-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSION SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

30-UP-2004 (Hacienda D Mexico Office/Warehouse) request by owner for a conditional use permit for furniture manufacturing and refinishing on a 1 +/- acre parcel located at 16098 N. 80th Street with Industrial Park (I-1) zoning.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

CHAIRMAN GULINO stated there is a small yard to the south of the building he inquired if that is a city well site. Mr. Ward replied in the affirmative.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

LINDA WAINMAN, 16049 E. Greenway-Hayden Loop, stated that she is the property owner south of Hacienda D Mexico. She stated that she was protesting the dust collector system. She further stated that she would like to see it as an internal dust collector. She remarked they object to the external dust collector because of the noise and the mess.

She stated in the Planning Commission Report on Page 4 under Community Impact it reads:

"The operation will make minor adjustments and improvements of furniture products that will be displayed and sold at this store. The new spray booth will be located within the building and will not create an adverse impact on adjacent properties. The dust collector will contain a muffler and be screened."

She further stated that she did not understand if it is suppose to be for limited use and for minor repairs why they have to have such huge dust collector system.

She reported that she would like to show a DVD just so the Commission can understand how the noise and mess would impact the community.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

NICK ACQUAFREDDA, Architects & Planners International Inc., stated when they designed the project originally the project was designed and approved for the paint booth and the dust collector to be outside. We have relocated Hacienda D Mexico from another facility at the Airpark so the equipment for the paint booth and the dust collector was the same equipment from the Evans Road site. He explained the majority of the furniture has already been manufactured this is a repair shop that is limited.

He provided information on the dust collector noting the mess would be a maintenance issue and the noise would be 74 decibels, which is not loud.

CHAIRMAN GULINO inquired where the 74 decibels sound was measured. Don Tolen stated that is what is coming out of the top of the pipe.

MR. ACQUAFREDDA provided information on where the dust collector would be located and screened.

VICE CHAIRMAN STEINBERG inquired if the size of the dust collection system could be scaled down. Mr. Tolen stated this system was purchased about six years ago for the other building and at the time, the equipment to reduce things down was not available. Vice Chairman Steinberg inquired if there was a way to retrofit this equipment to fit inside the building. Mr. Tolen replied in the negative noting that it was designed to be outside of the building.

COMMISSIONER HEITEL inquired what would prevent them from moving the dust collector over where the trash containers are located so that it is buffered by the building. Mr. Tolen replied the equipment needs to be adjacent to the shop because it is a vacuum and the longer you stretch out the pipe you lose efficiency.

COMMISSIONER SCHWARTZ stated that he could appreciate the fact that they want to take the unit and move it to the new site, but for him it does not work in this application. He further stated that he felt the neighbors brought up some valid points. He remarked that he would like to see it inside because it is a 10 foot high system and you only have a 9 foot wall around the perimeter of the site so you would see it from the street. He further remarked that he is concerned about what things look like from the perimeter.

COMMISSIONER STEINKE inquired if there was anything to prohibit the screening to be at least as tall as the equipment. Mr. Ward replied in the negative.

COMMISSIONER BARNETT inquired if it was possible to partially lower this system into the ground so that the six-foot or eight-foot high fence would make sense. Mr. Tolen stated that would not be possible because the barrels collect the dust so there would not be a way to empty the barrels. Commissioner Barnett replied there are other ways of getting the barrels in or out. He inquired if they had thought about that. Mr. Tolen replied in the negative.

Commissioner Barnett stated that he would agree with Commissioner Schwartz. He further stated it is a very nice building but the equipment is not attractive and would be loud so he would not support the equipment on the outside of the building.

COMMISSIONER SCHWARTZ MOVED TO FORWARD CASE 30-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA AND WITH THE ADDED STIPULATION THAT THE DUST CONTROL SYSTEM IS PUT INSIDE THE BUILDING. SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

16-ZN-2004 (The Legends At Toscana) request by owner to rezone from Single Family Residential District (R1-35) to Single Family Residential District, Planned Residential District (R1-10 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N. 94th Street (Southeast corner of Sweetwater Road and 94th Street).

(COMMISSIONER SCHWARTZ DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE DISCUSSION OR THE VOTE.)

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval of the rezoning and amended development standards, subject to the attached stipulations.

COMMISSIONER HEITEL stated the objections he hears from citizens is that their perception of the Cactus Corridor Study was that there was a recommendation that conversion of these types of properties be only approved if it was a change to an R1-18. He inquired where that perception comes from. He inquired if that is in fact the case or how is this misconception being perpetrated. Mr. Jones replied staff has heard those same issues but we have no documentation that says the specific zoning category meant suburban. What specific zoning category meant rural? He stated that he thought it meant more towards the design and density and that is what staff was basing their decision on.

Commissioner Heitel inquired if we will continue to have this conversation when issues come before us in the defined low-density areas in the Cactus Corridor or is there a policy within staff that says clearly anything east of the 96th demarcation line will always be R1-18 or greater. He added he was just looking for some clarification. Mr. Jones replied it is a bit more clear when you go into the 96th Street and east area what is appropriate with regards to the character of the Cactus Corridor Area Study discussed. He stated there is no policy and until the City Council provides policy, we will continue to struggle and analyze these on a case by case basis. He noted this is a gray planning area.

VICE CHAIRMAN STEINBERG stated the development has one way to get in and one way to get out. He inquired if that is standard in these types of developments for emergency access. Mr. Jones replied in the affirmative.

Vice Chairman Steinberg inquired if the flooding issues have been resolved to the satisfaction of the City. Mr. Jones replied in the affirmative.

Vice Chairman Steinberg stated the height is being restricted on lots 12 and 13 towards the southern boundary. He inquired why just those two lots because lots 10 and 11 also look into residential rear yards. Why not restrict that whole run of houses. Mr. Curtis replied the applicant proposed the height restrictions based

off direct communication with those neighbors to the south. One of the things the PRD does is it limits second stories adjacent to single family homes to be setback 50 feet away from the property line and staff felt that was an adequate protection.

LOU JEKEL, Jekel and Howard, 8283 N. Hayden Road, stated that he is here with the property owner TC Thorstenson. He further stated that this issue has been well discussed so the only thing he would point out is the reduction in the number of lots reduces even more any burden on the neighbors in terms of traffic or congestion. He commented on the character in the neighborhood. He further commented that this project would be compatible with the character of the neighborhood.

COMMISSIONER HEITEL inquired if the applicant has communicated with the existing property owners that are adjacent to the two-story 50-foot setback and if it is true that they do not have an objection. Mr. Jekel replied he believed it is true noting Mr. Brandon has handled that end of it. He reported they have had lots of communication with the neighborhood and enormous support.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

JACKIE REICHMAN, Sweetwater Ranch 12926 N. 95th Way, spoke in support of this request. She stated the Reichman family came here in 1972 and she closed on her present home in 1989. She further stated she is President of the Board of Manor II and Vice President of our Phase 2 Board in Sweetwater Ranch. She showed a map of Sweetwater Ranch. She reviewed the homes on the map. She reported that she walked this community and spoke to residents and they are in favor of this project. She further reported this is not a horse issue for the homeowners in Sweetwater Ranch. This is a parcel of land completely surrounded by our community and the application before you is the right compromise for this property.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER STEINKE stated he believes this is a remaining island in and of itself. If it were to retain equestrian in this area, any density changes beyond this might make it so foreboding that it would no longer fit within the character of the neighborhoods because it would become too large and the property would be divided in such large parcels that it would stand out for different reasons. He further stated that aside from trying to champion the equestrian he thought this was a very good fit for that parcel and he will support the project.

CHAIRMAN GULINO stated he felt the density of this project is compatible with the area around it. He further stated the PRD takes care of impacts that a two-

story home would have. He concluded that he supports this request as presented.

COMMISSIONER HEITEL stated he felt the site plan presented is a good compromise and he agrees it fits the character of the immediate area. He further stated that he would reluctantly support this proposal. He expressed his dissatisfaction regarding the misconception in the Cactus Corridor regarding what constitutes acceptable transitional zoning of these properties. He reported that in the future he would hope staff would provide a rural definition for the Cactus Corridor.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 16-ZN-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0) WITH COMMISSIONER SCHWARTZ ABSTAINING.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at approximately 6:00 p.m.

Respectfully Submitted,

"For the Record " Court Reporters